

769-222 Div. 5 (ITW 8542.05)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Ausnit

Serial No.: 10/629,213

Filed: July 29, 2003

For: **PROCESS AND APPARATUS FOR FORMING
PACKAGING BAGS WITH A FASTENER**

Art Unit: 3727

Examiner: Jes F. Pascua

June 5, 2006

Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311

PETITION FOR SUSPENSION OF PROSECUTION

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Pursuant to Rule 103, Applicant respectfully requests a six-month suspension of prosecution of the above-identified application. An RCE is being filed simultaneously herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on June 5, 2006

Ronald E. Brown

Attorney

Signature

June 5, 2006

Date of Signature

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-1145, Order No. 769-222 Div. 5.

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REMARKS

Applicant respectfully requests a six-month suspension of prosecution of the above application.

This application copied Claims 1, 7, 8 and 9 from U.S. Patent No. 6,347,885 (hereinafter, "the '885 patent") for the purposes of provoking an interference. The '885 patent is currently being reexamined under serial no. 90/007,204 (hereinafter, "the '204 reexamination application"). The Office Action of February 7, 2006 in the '204 reexamination application rejects Claims 1 and 7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,713,669 (hereinafter, "the Thomas reference"). As of the date of this Request, no response to this Office Action is available on PAIR.

In summary, the present application has copied claims. However, the original claims (in the '885 patent) have been rejected in reexamination and may be subject to amendment or cancellation. It is respectfully submitted that this constitutes a showing of a good and sufficient cause for suspension of the action under Rule 103(a)(1).

The fee under Rules 17(g) and 103(a)(2) is enclosed.

Further, an RCE is being filed herewith, within the shortened statutory period of the final Office Action of March 3, 2006, so that no Office Action is considered to be outstanding in the present application. Additionally, an IDS is being filed to cite the '204 reexamination application and art cited therein.

A six-month suspension of prosecution is therefore respectfully requested.

Respectfully submitted,



Ronald E. Brown
Registration No. 32,200

Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311
212-297-5800